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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,917	11/04/2003	David W. Giles	6270/125	1132

46260 7590 01/25/2007  
BRINKS HOFER GILSON & LIONE/PML  
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CHICAGO, IL 60610

EXAMINER
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EDWARDS JR, TIMOTHY

ART UNIT	PAPER NUMBER
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2612

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/25/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/700,917

Applicant(s)

GILES ET AL.

Examiner

Timothy Edwards, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed November 3, 2006 have been fully considered but they are not persuasive. Applicant's argument is based on claims as amended.

Therefore, Examiner maintains Office Action dated July 27, 2006.

### ***Allowable Subject Matter***

2. The indicated allowability of claims 14, 18 and 48 is withdrawn in view of reconsideration of claimed limitations. Rejections follow.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1- are rejected under 35 U.S.C. 103(a) as being unpatentable over Brandyberry et al '669, and further in view of King et al '114.

Considering (amended) claim 1, Brandyberry discloses a utility meter for measuring the delivery of electrical energy for an energy supplier to a consumer, except a) bayonet terminals disposed on the meter, being mate able with matching jaws of detachable meter mounting device, a base coupled with the bayonet terminal is well known in the

art and the Examiner takes official notice to this fact; b) a transducer operative to be coupled with the circuit to sense current or voltage and generate an analog signal indicative the sensed parameter (see col 5, lines 50-56); c) an analog to digital converter for converting the analog signal to a digital sample (see col 5, line 56 to col 6, line 1 and col 7, lines 32-49); d) a first logic to compute at least one value is addressed by the CPU (70) of the Brandyberry system (see col 6, lines 51-53 and col 7, lines 4-12 and lines 40-46); e) a second logic coupled with the first logic and operative to generate first and second display data (see col 12, lines 44-47); except at least one portion capable to represented graphically. However, Brandyberry discloses the displaying of three categories sequence, which is displaying three-meter functions. One of ordinary skill in the art would readily recognize there are several different methods of representing data (i.e. graphically, numerically and textually). King teaches the calculating and displaying of meter parameters in graphically and numerical representations (see col 2, lines 50-56 and col 3, lines 51-55). Therefore, it would have been obvious to one of ordinary skill in the art to include graphically representation of metered parameters in the Brandyberry system as taught by King because both systems are concern with calculating and displaying metered parameters. One of ordinary skill in the art would readily recognize it is quicker and easier to gauge values, performance and related information in a graphic format (as taught by King in col 1, lines 39-45); f) a cover operative to coupled with the base and sealed to detachable meter mounting device to prevent physical access to the first logic (see fig 2); g) a display coupled with the second logic and operative to display data generated by the

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second logic (see figs 1, 2, items 10 and 90), the display capable of displaying graphic representation (is interpreted and rejected as stated in part (e) above); h) a variable function input device coupled with the second logic and operative to receive input from a user (see col 10, lines 49-52); i) a first function from a first input and displayed (see col 8, lines 62-68); j) a second function different from the first function, based on the first input and displayed (see col 12, lines 53-64 and col 13; lines 11-20).

Considering claim 2, Brandyberry discloses the limitation of this claim (see figs 2 and 10).

Considering claim 3, Brandyberry discloses the limitation of this claim (see col 35, lines 24-26).

Considering claim 4, Brandyberry discloses the limitation of this claim (see col 17, lines 27-32).

Considering claim 5, Brandyberry discloses the limitation of this claim (see col 35, lines 29-33).

Considering claim 6, Brandyberry discloses the limitation of this claim (see figs 57 and 60).

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Considering claim 7, Brandyberry discloses the limitation of this claim (see col 34, lines 41-52).

Considering claim 8, Brandyberry discloses the limitation of this claim (see fig 10).

Considering claim 9, Brandyberry does not specifically recite the display data comprises a phasor diagram. Brandyberry discloses a display for displaying utility information (see col 12, lines 53-64). One of ordinary skill in the art would readily recognize there is several different ways to represent data (i.e. graphically, numerically and textually). Therefore, it would have been obvious to one of ordinary skill in the art to modify the display of the Brandyberry system to display data in a phasor diagram because one of ordinary skill in the art would have the option and knowledge to use any alternative method known in the art.

Considering claim 10, Brandyberry does not specifically recite the display data comprises a histogram of harmonics. Brandyberry discloses a display for displaying utility information (see col 12, lines 53-64). One of ordinary skill in the art would readily recognize the data displayed could be data from memory or instantaneous data. Therefore, it would have been obvious to one of ordinary skill in the art to modify the data displayed by the Brandyberry system to include histogram of harmonic data because Brandyberry discloses the desire to display energy and power data. King teaches in col 1, lines 30-32 the desire to store values of current, voltage, power factor,

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harmonics, kilowatt-hours, var-hours, va-hours and instantaneous power to form a historical database.

Considering claim 11, Brandyberry discloses a meter comprising a circuit board (see figs 1, and 3-5); b) a cover to cover the circuit board (see fig 2); except Brandyberry does not specifically recited the cover comprising a keypad. Brandyberry discloses controlling the display by manual means located on the meter's cover and the mechanical means is connect an actuator to the circuit board (see col 11, lines 55-58 and col 12, lines 29-33). Therefore, it would have been obvious to one of ordinary skill in the art to modify cover display control means of the Brandyberry system with a keypad or some alternative input method because Brandyberry discloses the desire to control the display by manual means located on the cover of the utility meter.

Considering claim 12, Brandyberry discloses a keypad including a web portion, which allows a plunger to move perpendicular to the keypad. One of ordinary skill in the art readily recognizes there must be some means of actuating keys on a keypad.

Considering claims 13,16, the limitation of these claims is interpreted and rejected as stated in claim 11.

Considering claims 14,15,18,48 and 49 Brandyberry discloses a meter comprising a keypad. One of ordinary skill in the art would readily recognize the need for a watertight

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seal in a utility meter comprising a keypad because of the environment a utility meter is exposed to. Therefore, it would have been obvious to one of ordinary skill in the art the Brandyberry system would have some means or method to seal the keypad and protect the electronic of the utility meter because Brandyberry discloses a utility meter comprising keypad.

Considering claim 17, Brandyberry discloses the limitation of this claim (see col 12, lines 29-33 and fig 2, item 92).

Considering claims 19,20, Brandyberry does not specifically recite the function input device comprises a touch screen or a membrane switch. Brandyberry discloses a function input device comprising a keypad. One of ordinary skill in the art would readily recognize the touch screen or membrane switches are alternative method of inputting data. Therefore, it would have been obvious to one of ordinary skill in the art to an alternative method to a keypad to input data as taught by Brandyberry.

Considering (amended) claim 21, the limitations of this claim are interpreted and rejected as stated in claim 1 and 9.

Considering claim 22, the limitation of this claim is interpreted and rejected as stated in claim 2.



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Considering claims 23, the limitation of this claim is interpreted and rejected as stated in claim 11.

Considering claim 24, Brandyberry CPU (70) addresses the first and second logic (see col 6, lines 5-21 and col 7, lines 4-12 and lines 40-46).

Considering claims 25-27,30,33,37,39,45 the limitations of these claims are interpreted and rejected as stated in claim 9.

Considering claims 28,29, Brandyberry does not specifically recite the display data comprises a sequence of event log or a table. Brandyberry discloses monitoring power fails in the meter. One of ordinary skill in the art would readily recognize this data could be stored and displayed in any manner known to those skilled in the art. Therefore, it would have been obvious to one of ordinary skill in the art to include an event log in the Brandyberry system because Brandyberry discloses the recording of a power fail event. Also, Brandyberry disclose the displaying of energy and power data, which can be displayed in a table. It would have been obvious to use any known method to display data such as tables, graphs and text.

Considering claims 31,32,38,46 the limitation of these claims are interpreted and rejected as stated in claim 10.

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Considering claims 34,40 Brandyberry discloses the limitation of these claims (see col 15, lines 4-11 and figs 27-33).

Considering claim 35, Brandyberry discloses the limitation of this claim (see col 11, lines 29-30).

Considering (amended) claim 36, the limitations of this claim are interpreted and rejected as stated in claim 1; except a seal coupled wit the meter cover and operative to prevent removal of meter cover and indicate tampering with the meter. One of ordinary skill in the art readily recognizes there is several method of detecting tampering with the meter. Therefore, it would have been obvious to one of ordinary skill in the art to use a known method of tampering detection.

Considering claim 41, the limitation of this claim are interpreted and rejected as stated in claim 36.

Considering claim 42, the limitation of this claim are interpreted and rejected as stated in claim 1.

Considering claim 43, the limitation of this claim are interpreted and rejected as stated in claim 7.

Considering claim 44, the limitation of this claim are interpreted and rejected as stated in claim 8.

Considering claim 47, the limitations of this claim are interpreted and rejected as stated in claim 17.

### ***Conclusion***

Any inquiry concerning this communication should be directed to Examiner Timothy Edwards, Jr. at telephone number (571) 272-3067. The examiner can normally be reached on Monday-Thursday, 8:00 a.m.-6:00 p.m. The examiner cannot be reached on Fridays.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber, can be reached at (571) 272-7308.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-4700, Mon-Fri., 8:30 a.m.-5:00 p.m.

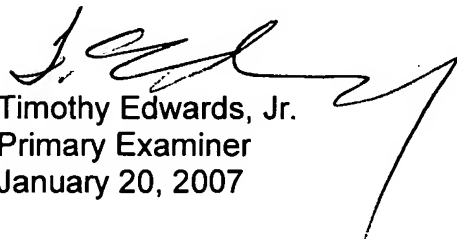
Any response to this action should be fax to:

(571) 273-8300 (for formal communications intended for entry).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

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more information about the PAIR system, see <http://pair-direct.uspto.gov> or contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'T. Edwards, Jr.', with a long, sweeping horizontal stroke extending to the right.

Timothy Edwards, Jr.  
Primary Examiner  
January 20, 2007